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January 30, 2019

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

Re: NOTICE OF EX PARTE
CG Docket No. 13-24 - In the Matter of the Misuse of Internet Protocol (IP)
Captioned Telephone Service; CG Docket No. 03-123 - Telecommunications
Relay Services and Speech-to-Speech Services for Individuals with Hearing
and Speech Disabilities

Dear Ms. Dortch:

ClearCaptions, LLC ("ClearCaptions"), through its undersigned counsel, files this *ex parte* notice of telephone calls that occurred on January 28 and 29, 2019 between Michael Strecker, Vice President of Regulatory and Strategic Policy of ClearCaptions, and Eliot Greenwald, Deputy Chief of Disabilities Rights Division concerning the draft Report and Order, Further Notice of Proposed Rulemaking, and Order ("*Draft R&O, FNPRM, and Order*") in the above-referenced proceedings.¹

¹ See *In the Matter of Misuse of Internet Protocol (IP) Captioned Telephone Service and Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Further Notice of Proposed Rulemaking, and Order, CG Docket Nos. 13-24 & 03-123, FCC-CIRC1901-04 (circulated Jan. 3, 2019) ("*Draft R&O, FNPRM, and Order*").

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During the calls, ClearCaptions supported the proposed temporary waiver of certain emergency call-handling rules for Internet Protocol Captioned Telephone Service ("IP CTS") providers pending resolution of these matters in a FCC rulemaking to simplify the processing of 911 calls by IP CTS providers.

ClearCaptions also supported the Commission's plan to initiate a rulemaking to consider amending emergency call-handling rules for IP CTS providers.

ClearCaptions recommended that the Commission amend the *Draft FNPRM* to seek comment about reimbursing IP CTS providers for the incremental costs of implementing the TRS User Registration Database ("TRS-URD"). Costs to submit user registration data to the TRS-URD are expected to be significant and will disproportionately impact the smallest IP CTS providers. The *Draft R&O* states that costs incurred by IP CTS providers will be limited, and that no commenter provided a specific estimate of costs in response to the 2013 FNPRM.² However, there is no citation to the 2013 FNPRM, and the three paragraphs that discuss centralized registration and verification of IP CTS users do not seek comment on the estimated costs of implementing this new requirement. The first time the Commission asked about such exogenous costs was in 2018.³ ClearCaptions argued then that it would incur exogenous costs that should be recoverable.⁴ ClearCaptions therefore recommends that the Commission remove footnote 63 from the *Draft R&O*, and revise paragraphs 21 and 22 to be in the form of questions included in the *Draft FNPRM*.

Please contact the undersigned if you have any questions.

Respectfully submitted,

/s/ Tamar Finn

Tamar E. Finn
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Counsel to ClearCaptions, LLC

cc: Eliot Greenwald (Via E-Mail)

² *Draft R&O, FNPRM, and Order*, ¶ 21 and fn. 63.

³ *Misuse of Internet Protocol (IP) Captioned Telephone Service, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd. 307, ¶ 93 (June 8, 2018).

⁴ Initial Comments of ClearCaptions, LLC, CG Docket Nos. 13-24 and 03-123, at 19 (Sept. 17, 2018) (Ongoing exogenous costs include costs such as... costs associated with adopting the TRS User Registration Database in the context of IP CTS.).